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Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health

DRINKING WATER FIELD OPERATIONS BRANCH

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EDMUND G. BROWN JR.
Governor

March 17, 2014

Water System No. 4900792

Sam McMillan
Wayside Gardens Mobile Home Park
2389 Santa Rosa Avenue
Santa Rosa, CA 95407

CITATION NO. 02-18-14C-008
TETRACHLOROETHYLENE MONITORING AND REPORTING VIOLATION FOR
FOURTH QUARTER 2013

Enclosed is a Citation issued to Wayside Gardens Mobile Home Park (System).

Your System will be billed at the Department's hourly rate (currently estimated at \$126.00) for the time spent on issuing this Citation since this is an enforcement action for noncompliance with State regulations. At this time, we have spent approximately one hour on enforcement activities associated with this violation. You will receive a bill sent from our Fee Billing Unit in Sacramento on approximately August 1, 2014. This bill will contain fees for any enforcement time spent on your System.

If you have any questions regarding this matter, please contact Waldon Wong of my staff at (707) 576-2764 or me at (707) 576-2006.

Sincerely,

Janice M. Thomas, P.E.
Sonoma District Engineer
Drinking Water Program

Enclosures

CC (w/ Enclosures): Mark Zastrow, P.O. Box 2118, Windsor, CA 95492

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

Name of Public Water System: Wayside Gardens Mobile Home Park

Water System No: 4900792

To: Sam McMillan
2389 Santa Rosa Avenue
Santa Rosa, CA 95407

Issued: March 17, 2014

CITATION FOR NONCOMPLIANCE
With Tetrachloroethylene Monitoring and Reporting

Section 116650 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder.

The Division of Drinking Water and Environmental Management of the State of California Department of Public Health (Department) hereby issues a citation to Wayside Gardens Mobile Home Park (System) for failure to



1 comply with Title 22, California Code of Regulations (CCR) Section
2 64445.1(c)(4) and Citation No. 02-18-13C-022.

4 **APPLICABLE AUTHORITIES**

6
7 Section 116650 of the CHSC states in relevant part:

9 (a) If the department determines that a public water system is in violation of this
10 chapter or any regulation, permit, standard, citation, or order issued or adopted
11 thereunder, the department may issue a citation to the public water system.
12 The citation shall be served upon the public water system personally or by
13 certified mail. Service shall be deemed effective as of the date of personal
14 service or the date of receipt of the certified mail. If a person to whom a citation
15 is directed refuses to accept delivery of the certified mail, the date of service
16 shall be deemed to be the date of mailing.

17
18 (b) Each citation shall be in writing and shall describe the nature of the violation or
19 violations, including a reference to the statutory provision, standard, order,
20 citation, permit, or regulation alleged to have been violated.

21
22 (c) A citation may specify a date for elimination or correction of the condition
23 constituting the violation.

24
25 (d) A citation may include the assessment of a penalty as specified in subdivision
26 (e).

(e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

California Code of Regulations, Section 64445.1(c)(4) states in relevant part:

(c) When organic chemicals are detected pursuant to Table 64445.1-A.

(4) If the detected level of organic chemicals for any sampling site does not exceed any shown in Table 64444-A, the water source shall be resampled every three months and the samples analyzed for the detected chemicals.

California Code of Regulations, Section 64444 states in relevant part:

The MCLs for the primary drinking water chemicals shown in Table 64444-A shall not be exceeded in the water supplied to the public.

Table 64444-A
Maximum Contaminant Levels
Organic Chemicals

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Tetrachloroethylene	0.005

California Code of Regulations, Section 64469 states in relevant part:

(a) Analytical results of all sample analyses completed in a calendar month shall be reported to the Department no later than the tenth day of the following month.



1 (c) Analytical results shall be reported to the Department electronically using the
2 Electronic Deliverable Format as defined in The Electronic Deliverable Format
3 [EDF] Version 1.2i Guidelines & Restrictions dated April 2001 and Data
4 Dictionary dated April 2001.

5 6 **STATEMENT OF FACTS**

7
8 The System is a public water system that has approximately 75 residents
9 served by 50 service connections. Pursuant to Section 64445.1(c)(4), Title
10 22 of the CCR, the System is required to collect quarterly
11 tetrachloroethylene samples directly from Well 02. The analytical results of
12 all required samples collected for a system in a quarter shall be reported to
13 the Department not later than the tenth day of the following month.
14

15
16 The Department received a March 2012 tetrachloroethylene monitoring
17 result for Well 02 of 1.8 micrograms per liter (ug/L). By letter dated June 5
18 2012, the System was notified of the requirement to commence quarterly
19 tetrachloroethylene monitoring for Well 02. The System did not perform the
20 quarterly tetrachloroethylene monitoring for the first quarter of 2013. As of
21 the date of this Citation, the Division of Drinking Water and Environmental
22 Management of the Department of Public Health has not received results for
23 a tetrachloroethylene sample collected in the fourth quarter of 2013.
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1 This is the second violation of Section 64445.1(c)(4) and 64469, Title 22 of
2 the CCR by this System. The System was issued Citation No. 02-18-13C-
3 022 by this Department on June 11, 2013 for failure to comply with the
4 monitoring and reporting requirement in the first quarter 2013.

5 6 7 **DETERMINATIONS**

8 9 **THE DEPARTMENT HAS DETERMINED:**

10
11 The System violated Title 22 of the CCR, Section 64445.1(c)(4), in that the
12 System failed to collect the required number of tetrachloroethylene samples
13 during the fourth quarter 2013.
14

15 16 **PENALTIES PURSANT TO HEALTH AND SAFETY CODE SECTION**

17 **116650**

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19 The Department hereby assesses upon the System a penalty in the amount
20 of \$100.00. Directions for paying this penalty are included in Directive 4 of
21 this citation.
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DIRECTIVES

The System is hereby directed to take the following actions:

1. Comply with Sections 64445.1(c)(4) and 64469, Title 22, of the CCR in all future monitoring periods. The System must continue with quarterly tetrachloroethylene monitoring of Well 02.
2. Notify all persons served by the System of the tetrachloroethylene monitoring requirements, in conformance with Section 64463.4 and 64465, Title 22 of the CCR, and as follows:
 - a) Completion of Attachment A to include the name, address, and telephone number of a System representative as a source of additional information concerning the public notice. **You must also give a legible, written description (preferably typed) of the corrective actions taken by the System to prevent this violation from occurring in the future. You must use the space provided in Attachment A for this written description.**
 - b) Provide the notice by mail or direct delivery, **after it has been completed in accordance with (a) above**, to each customer or service connection served by the System by **April 18, 2014**.



1
2 c) Publish the notice contained in Attachment A, **after it has been**
3 **completed in accordance with (a) above**, in a local newspaper
4 of general circulation in the area served by the System (or weekly
5 newspaper if no daily paper is available) for one day. The
6 publication in a local newspaper must be completed by **April 18,**
7 **2014.**
8

9
10 d) Provide public notice for this violation in accordance with Section
11 64465(c), Title 22 or the CCR, which requires for each non-
12 English speaking group that exceeds 1,000 residents or 10% of
13 the residents in a community (whichever is less) that the public
14 notice contain information in the appropriate language(s)
15 regarding the importance of the notice, or contain a telephone
16 number or address where such residents may contact the water
17 system to receive a translated copy of the notice or to receive
18 assistance in the appropriate language.
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22 3. The System shall complete the attached Compliance Certification
23 form and return it to the Department within 10 days of the public
24 notice being given to System customers but in no case later than
25 **April 28, 2014. A copy of the notice published in the newspaper,**
26
27



1 a copy of the notice mailed or delivered to the customers, and a
2 copy of the laboratory results must be attached to the form.

- 3
4 4. Submit to the Department by **April 18, 2014**, a check for the penalty
5 of \$100.00 imposed by this Citation and a copy of the form, which is
6 attached hereto, entitled "Notice of Citation Issuance." The Citation
7 number shall be written on the check. The check shall be made
8 payable to the California Department of Public Health Safe
9 Drinking Water Account and submitted to:

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11
12 Department of Public Health
13 Drinking Water Program – Fee Billing Unit
14 ATTN: Ms. Perin Peebles
15 P.O. Box 997379, MS 7406
16 Sacramento, CA 95899-7379

17 The Department reserves the right to make such modifications to this
18 Citation as it may deem necessary to protect public health and safety. Such
19 modifications may be issued as amendments to this Citation and shall be
20 effective upon issuance.

21
22 Nothing in this Citation relieves the System of its obligation to meet the
23 requirements of the California Safe Drinking Water Act (CHSC, Division 104,
24 Part 12, Chapter 4, commencing with Section 116270), or any regulation,
25 standard, permit or order issued thereunder.
26
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1 All submittals required by this Citation shall be submitted to the Department
2 at the following address: Janice M. Thomas, P.E.
3 Department of Public Health
4 Drinking Water Field Operations Branch
5 50 D Street, Suite 200
6 Santa Rosa, CA 95404

7 **PARTIES BOUND**

8
9 This Citation shall apply to and be binding upon the System, its officers,
10 directors, agents, employees, contractors, successors, and assignees.
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12 **SEVERABILITY**

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14 The directives of this Citation are severable, and the System shall comply
15 with each and every provision thereof notwithstanding the effectiveness of
16 any provision.
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FURTHER ENFORCEMENT ACTION

Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the California Health and Safety Code authorizes the Department to: issue additional citations with assessment of penalties if the System continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the System has violated applicable law or regulations or has failed to comply with orders of the Department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Department. The Department does not waive any further enforcement action by issuance of this citation.



Stefan Cajina, P.E., Chief
North Coastal Section
Drinking Water Program



Date

Attachments

Certified Mail No. 7010 1870 0000 5927 0069

4900792/Compliance
02-18-14C-008-4900792-03\$.docx/WWW



1 **COMPLIANCE CERTIFICATION**

2 **Citation Number: 02-18-14C-008**

3 **Name of Water System: Wayside Gardens Mobile Home Park**

4 **System Number: 4900792**

5 **Certification**

6 I certify that the users of the water supplied by this System were notified of the
7 tetrachloroethylene monitoring violations of Title 22, California Code of Regulations
8 (CCR) for the compliance period of the fourth quarter of 2013.

9 Required Action

Date Completed

10 Complete Attachment A, as required in Directive 2(a)

11 Public Notification – Mail or Direct Delivery

12 Public Notification – Newspaper

13 Completed Chemical Monitoring Results

14 Payment of \$100.00 Civil Penalty to CDPH in Sacramento

15
16
17 _____
18 Signature of Water System Representative

Date

19
20 **Attach a copy of the notice mailed or delivered to customers, a copy published**
21 **in the newspaper, and laboratory results of completed sampling.**

22 **THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT**
23 **NO LATER THAN APRIL 28, 2014**

24 **Disclosure:** Be advised that Section 116725 and 116730 of the California Health and Safety Code
25 states that any person who knowingly makes any false statement on any report or document
26 submitted for the purpose of compliance with the attached order may be liable for a civil penalty not
27 to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation
continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be
punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail
not to exceed one year, or by both the fine and imprisonment.



To all School Administrators, Rental Property Owners, and Business Property Owners:

You must provide public notification within 10 days of the receipt of the following notice from the **Wayside Gardens Mobile Home Park** [Health and Safety Code Section 116450(g)]. The notification must be provided as follows:

SCHOOLS: Must give written notification to school employees, students, and parents (if the students are minors).

RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including but not limited to apartment complexes, nursing home facilities, other care facilities): Must give written notification to tenants/patients. Must give written notification to employees (if applicable).

BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS (including but not limited to restaurants, stores, hospitals, churches, clubs, daycare facilities, offices, other businesses): Must give written notification to employees and members. Must post in conspicuous places for customers/visitors (if applicable).

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene informacion muy importante sobre su agua potable. Traduzcalo o hable con alguien que lo entienda bien.

**Wayside Gardens Mobile Home Park Failed to Test for Tetrachloroethylene during Fourth Quarter 2013
October/November/December 2013**

We failed to test the drinking water for tetrachloroethylene during the fourth quarter of 2013. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we did to correct the situation. Please share this information with other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or giving out copies by hand or mail.

What happened?

We are required by state regulations to monitor our drinking water for specific contaminants on a regular basis. Results of this routine monitoring are an indicator of whether or not the drinking water meets health standards. During October/November/December 2013, we did not test for tetrachloroethylene and, therefore, cannot be sure of the quality of the drinking water at that time.

What does this mean?

The California Department of Public Health (CDPH) sets drinking water standards and has determined that tetrachloroethylene poses a chronic health concern at high levels of exposure. Some people who drink water containing tetrachloroethylene in excess of the standard over many years may experience liver problems, and may have an increased risk of getting cancer. Quarterly chemical sampling is important to periodically verify the quality of your drinking water.

What should I do?

You do not need to take any corrective actions. This is not an emergency. If you have health concerns, you may wish to consult your doctor. General guidelines on tetrachloroethylene in drinking water are available from EPA's Safe Drinking Water Hotline at (800) 426-4791.

What corrective actions have been taken to prevent this violation from occurring in the future?

This notification of the public is being done in compliance with Sections 64463.4 and 64465, Title 22 of the CCR as a means of keeping the public informed.

Persons wishing more information should contact:

(name)

(address)

(phone number)

**STATE OF CALIFORNIA
DRINKING WATER PROGRAM**

DEPARTMENT OF PUBLIC HEALTH

Notice of Citation Issuance

System Name: Wayside Gardens Mobile Home Park

System Number: 4900792

Background

During the month of March 2014, the Division of Drinking Water and Environmental Management issued Citation Number 02-18-14C-008 to the Wayside Gardens Mobile Home Park. The citation carried a civil penalty in the amount of **\$100.00**.

Method of Payment

A check for the total amount of the civil penalty and a copy of this form shall be submitted to the Department by **April 18, 2014**. The citation number shall be written on the check, the check made payable to the **California Department of Public Health Safe Drinking Water Account**, and submitted to:

Department of Public Health
Drinking Water Program – Fee Billing Unit
ATTN: Ms. Perin Peebles
P.O. Box 997379, MS 7406
Sacramento, CA 95899-7379

Please attach check below: